

PATENT COOPERATION TREATY

REC'D 27 JUL 2005	
WIPO	PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/051245

International filing date (day/month/year)
15.04.2005

Priority date (day/month/year)
20.04.2004

International Patent Classification (IPC) or both national classification and IPC
G11B7/24, G11B7/135

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

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Name and mailing address of the ISA:



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Authorized Officer

Poth, H

Telephone No. +49 89 2399-2149



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2005/051245

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
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4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2005/051245

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US 5,614,938

2. As to claim 1, D1 describes how a change in the thickness of a spacer layer amounts to spherical aberration (cf. in D1 col.11 l.18-60).

D1, however, does not proceed to derive e.g. limits for the thicknesses of the spacer layers nor their weighted refractive indexes as presently claimed (cf. loc. cit.).

Thus, the subject-matter of claim 1 involves an inventive step.

This applies to claim 8 *mutatis mutandis*.

Further remarks

1. Claim 1 relates to a so called double pass transmission f which is, however, not defined in that claim; thus, claim 1 is not clear (Art.6).

This applies *mutatis mutandis* to claim 8.

2. Claim 8 being directed to a medium as such refers to the numerical aperture of a lens and the wavelength of a radiation with which that medium is to be used, but which do not form part of the medium as such; this is not clear (Art.6).
3. The present application refers to other patent applications without indicating their official numbers or the like (cf. p.4 l.22-25, p.28 l.12-16 and p.29 l.30). Thus, these references can not be maintained.

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